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Our Case No. 10022/18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Gary Como et al.)	
)	Examiner: Robinson Boyce, Akiba K.
Serial No. 09/710,154)	
)	Group Art Unit No. 3623
Filing Date: November 9, 2000)	
)	
For METHOD AND SYSTEM FOR)	
BUSINESS PLANNING VIA A)	
COMMUNICATIONS NETWORK)	

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Appeal is in response to the non-Final Office Action¹ mailed
November 29, 2005².

¹While the Office Action is non-Final, the present Appeal is proper under 37 C.F.R. § 1.191 (a) since claims 1-22 and 34-37 have been rejected twice. MPEP § 1205.

² Appellants are filing a Notice of Appeal concurrently with the filing of the present Appeal Brief. Since the Notice of Appeal is being filed within three months of the mailing of the Office Action and the present Appeal Brief is being filed within two months of the filing of the Notice of Appeal, the present Appeal Brief is timely filed. Furthermore, the Appeal Brief fee filed on March 25, 2005 should be applied to pay the fee for the present Appeal Brief.

I. REAL PARTY IN INTEREST

It is believed that Accenture L.L.P. is the real party of interest in this Appeal pursuant to the following: 1) a recorded assignment of the above-identified application to Accenture L.L.P. executed by three of the eight listed inventors of record, Arnold Z. Huffman, Richard R. Krahn and Michael S. Sweeney, 2) an unrecorded employment agreement to assign all rights in the above-identified application to Accenture L.L.P. was entered into by the inventor John Mitchell, 3) a recorded assignment of the above-identified application to PolyOne Corporation executed by the remaining inventors of record, Gary Como, Sheryl L. Gast-Graham, Doug Grimm and Barry Smiach (employed by PolyOne Corporation) and 4) a recorded assignment of the above-identified application to Accenture L.L.P. executed by PolyOne Corporation.

II. RELATED APPEALS AND INTERFERENCES

The undersigned, John C. Freeman, is not aware of any other appeals, interferences or other judicial proceedings that may be related to, would directly affect or be directly affected by or have a bearing on the Board's decision in the pending Appeal.

III. STATUS OF CLAIMS

The status of the claims is as follows:

Claims 1, 3-6, 8, 34 and 35 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,115,690 to Wong.

Claims 2, 7, 9-13, 18-22, 36 and 37 are rejected under 35 U.S.C. § 103(a) for being obvious in view of Wong and U.S. Patent No. 5,953,707 to Huang et al.

Claims 14-17 are rejected under 35 U.S.C. § 103(a) for being obvious in view of Wong, Huang et al. and U.S. Patent No. 6,834,285 to Boris et al.³

Claims 23-33 are canceled.

The above-mentioned rejections of claims 1-22 and 34-37 are the subject of this Appeal.⁴

IV. STATUS OF AMENDMENTS

Appellants have not filed any Amendments or Responses in response to the Final Office Action mailed on January 25, 2005.

³ Page 14 of the Office Action mailed on November 29, 2005 only lists Wong and Huang et al. as being relied on to reject claims 14-17. However, pages 14-17 of the Office Action make mention of the Boris et al. patent. Accordingly, Applicants will assume that the Office Action intended to rely on Boris et al. to reject claims 14-17.

⁴ It should be noted that this is the third Appeal of rejections based on Wong and Huang et al. and the second Appeal of rejections based on Boris et al. The Examiner has not once filed an Examiner's Answer to demonstrate that his rejections have merit. Instead, the Examiner has mailed Office Actions that present different arguments/rejections based on the same references. Appellants demand that these stalling tactics cease so that the rejections can go to Appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

An understanding of the invention of independent claims 1 and 11 can be made upon a review of the embodiments of the inventions shown in FIGS. 1-7 of the specification. Note that in the description to follow, like elements will employ identical identification numerals. FIG. 1 shows an embodiment of a system 9 for business planning that facilitates efficient communications and the exchange of information between a first data management system 11 affiliated with a first business entity and a second data management system 13 affiliated with a second business entity (P. 4, ll. 10-13). As shown in FIG. 1, the first management system 11 includes a first enterprise resource planning (ERP) system 10 and a first data processing system 14 (P. 4, ll. 14-15). The second data management system 13 includes a second enterprise resource planning system 34 and a second data processing system 26 (P. 4, ll. 15-17). The first and second data management systems (11, 13) communicate via a communications network 22 (P. 4, ll. 17-19).

The first ERP system 10 is coupled to the first data processing system 14 (P. 4, l. 20). The first data processing system 14 is arranged to communicate with the communications network 22 (P. 4, ll. 21-22). The communications network 22 is arranged to communicate with the second data processing system 26 (P. 4, ll. 22-23). The second data processing system 26 is coupled to the second ERP system 34 (P. 4, ll. 23-24). The first ERP system 10, the second ERP system 34, or both include a user interface 24 for presenting data associated with the respective ERP systems (P. 4, ll. 24-26).

The first ERP system 10 includes a requirement-indicating database 12 (P. 5, I. 3). The requirement-indicating database 12 provides requirement data on a transactional subject (P. 5, II. 4-5). The transactional subject may refer to the provision of a material, a good, a product, a service, a financial transaction, or any combination of the foregoing items (P. 5, II. 5-7). Requirement data refers to information that is useful in managing or conducting a commercial activity or a transaction involving a 15 transactional subject (P. 5, II. 7-9). For example, the requirement data may be used to make one or more business decisions related to the transactional subject (P. 5, II. 9-11). Although the first ERP system 10 may establish the requirement-indicating database 12 as part of the normal operation of the first ERP system 10, in an alternative embodiment the first data processing system 14 may establish a requirement-indicating database 12 for storage in the first ERP system 10, in the first data processing system 14, or elsewhere (P. 5, II. 11-16).

The first data processing system 14 includes a data extractor 16, a data format converter 18, and a transmitter 20 (P. 5, II. 17-18). The data extractor 16 extracts relevant data from the requirement-indicating database 12 (P. 5, II. 18-19). The data extractor 16 communicates the extracted data with a data format converter 18 which communicates with the transmitter 20 (P. 5, II. 19-21).

The data extractor 16 includes an extraction algorithm that mines relevant requirement data from the requirement-indicating database 12 (P. 5, II. 29-30). Relevant requirement data is pertinent to the transactional subject, the

relationship between the first business entity and the second business entity, or both (P. 5, I. 30 – P. 6, I. 2).

The extractor 16 may include a filter that filters the requirement data in the requirement-indicating database 12 to obtain extracted relevant data (P. 6, II. 13-14). The data format converter 18 accepts the extracted requirement data and formats the extracted requirement data into a suitable data structure for transmission over the communications system 22 to the second data processing system 26 (P. 6, II. 23-26).

The transmitter 20 accepts the formatted requirement data from the data format converter 18 (P. 7, II. 6-7). The transmitter 20 places the formatted requirement data in a suitable physical form for communication over the communications network 22 (P. 7, II. 7-9).

The second data processing system 26 has a receiver 28 that receives the data transmission in the physical form transmitted by the transmitter 20 (P. 7, II. 21-23). The data format translator 30 is adapted to translate the received data into a structured data format that is compatible with the second ERP system 34 (P. 8, II. 3-5).

One or more user interfaces 24 are coupled to the first ERP system 10, the second ERP system 34, or both (P. 8, II. 19-20). The user interface 24 may include a monitor for displaying source data of the first ERP system 10 or destination data of the second ERP system 34 (P. 8, II. 20-22). The user interface 24 promotes the ability to check for errors and readily check on the status of the business relationship (P. 8, II. 25-27).

The first data processing system 14 and the second data processing system 26 automate the extraction of data from the first ERP system 10 and the loading of data into the second ERP system 34, respectively (P. 9, ll. 1-3).

FIG. 2 illustrates a method for business planning that may be implemented in a manner consistent with the system of FIG. 1 (P. 9, ll. 9-11). In one example, a first entity may represent a business entity, which is a customer of a second business entity (P. 9, ll. 11-12). Accordingly, the second business entity may be considered a supplier to the first business entity (P. 9, ll. 12-13).

In step S10 shown in FIG. 2, a first data processing system 14 obtains requirement indicating data of the first entity with respect to a transactional subject (P. 9, ll. 15-16). The transactional subject refers to a good, service, product, material, financial transaction, or any combination of the foregoing items (P. 9, ll. 16-18). The requirement indicating data may represent forecast data, demand data, consumption data, inventory data, or any other data that impacts characteristics of a transaction or commercial activity involving the transactional subject (P. 9, ll. 18-21). The demand data may shown an actual or present demand for a material, good, product, financial transaction, or service (P. 9, ll. 22-24).

In step S12, the first data processing system 14 automatically transmits the obtained requirement-indicating data from a first business entity to a second business entity over the communications network 22 (P. 10, ll. 5-7). As used herein, automatically refers to an electronic action that supports interoperability and communication between different electronic processors (e.g., ERP systems)

associated with distinct business entities, where the electronic action is completed with minimal or no human intervention (P. 10, ll. 7-11). Accordingly, the first data processing system 14 preferably transmits the obtained requirement-indicating data with minimal or no human intervention (P. 10, ll. 12-15).

In step S14, the second data processing system 26 receives the transmission from the first data processing system 14 via the communications network 22 (P. 11, ll. 21-22). Further, the second data processing system 26 automatically feeds the received requirement indicating data into an electronic processor for tracking the transactional data (P. 11, ll. 23-25). In one embodiment, the second data processing system 26 feeds the received requirement-indicating data into the second ERP system 34 with minimal or no human intervention to facilitate reduced transaction cycle time and greater accuracy in the commercial activity concerning the transactional subject (P. 11, ll. 27-30).

In step S16 shown in FIG. 2, the second data processing system 26 generates or facilitates the generation of a business decision of the first business entity, the second business entity, or both based on the requirement-indicating data (P. 12, ll. 6-8). The business decision generally includes an order processing decision, a logistic decision, or both (P. 12, ll. 8-10). An order processing decision involves an automated or human decision to purchase a transactional subject, engage in a commercial transaction, order a transactional subject based on the requirement-indicating data, or any combination of the

foregoing (P. 12, ll. 10-13). A logistic decision impacts how, when, and where the order processing characteristics are executed (P. 12, ll. 13-14).

FIG. 3 shows a block diagram of an embodiment of the system 109 for business planning, which is similar to that of FIG. 1, except FIG. 3 includes a demand-indicating database 36, instead of a requirement-indicating database 12 (P. 14, ll. 21-23). Like reference numbers indicate like elements in FIG. 1 and FIG. 3.

The demand-indicating database 36 of FIG. 3 may represent one possible example of a requirement-indicating database 12 of FIG. 1 (P. 14, ll. 25-26). As shown in FIG. 3, the demand-indicating database 36 includes forecast data 38 and demand data 40 (P. 14, ll. 26-27). If the first business entity represent a customer and the second business entity represents a supplier of the customer, then the forecast data 38 represents the prospective demand of the first business entity for a product, service, good, financial transaction, or material provided by the second business entity (P. 14, l. 28 – P. 15, l. 4). Similarly, the demand data 40 represents an actual, a present, or an estimated demand for a good, service, product, material, or financial transaction provided by the second business entity to the first business entity (P. 15, ll. 2-4).

The first data processing system 14 cooperates with the communications network 22 and the second data processing system 26 to assure the accurate transmission of the forecast data 38 from the source or first ERP system 110 to the destination or second ERP system 34 (P. 15, ll. 10-13).

FIG. 4 shows a method for automated business planning consistent with the system 109 of FIG. 3. In the initial step S18, the first data processing system 14 accesses demand-indicating data within a demand-indicating database 36 associated with a first ERP system 110 (P. 15, ll. 21-23). Further, the first data processing system 14 extracts a relevant portion of the demand-indicating data with respect to a transactional subject (P. 15, ll. 23-26). The demand-indicating data refers to forecast data 38, demand data 40, or both (P. 15, ll. 27-28).

In step S20, the first data processing system 14 automatically transmits the obtained demand-indicating data from a first business entity to a second business entity over the communications network 22 (P. 16, ll. 7-9).

In step S22, the second data processing system 26 receives the demand indicating data that was transmitted in step S20 (P. 16, ll. 15-16). The second data processing system 26 automatically feeds the transmitted demand-indicating data into an electronic processor for tracking the demand-indicating data (P. 16, ll. 16-18).

In step S24, the electronic processor (e.g., second ERP system 34) generates a business decision or facilitates the generation of a business decision of the second business entity based on the demand-indicating data (P. 16, ll. 24-26). For example, the first ERP system 110, the second ERP system 34, or both may display demand-indicating data or a proposed commercial transaction on a user interface to assist a user in making a business decision (P. 16, ll. 26-29).

The generation of an illustrative business decision is further shown by FIG. 5, which illustrates a business planning system. The configuration of FIG. 5

is similar to the configuration of FIG. 1 except FIG. 5 further includes an ordering system 15 coupled to the first data management system 11 at the supplier's site (P. 17, ll. 10-12). Like reference numerals in FIG. 5 and FIG. 1 indicate like elements.

The ordering system 15 includes a computer programmed with software instructions for making one or more of the following business decisions: an order processing decision 19, a logistics decision 21, an electronic order confirmation 23, and an electronic shipping confirmation 25 (P. 17, ll. 14-17). In a preferred embodiment, the ordering system 15 processes the foregoing business decisions on an automated basis with minimal or no human intervention (P. 17, ll. 17-19).

The ordering system 15 may automatically execute one or more order processing decisions and logistics decisions based on the demand-indicating data to minimize potential delay and errors from human intervention (P. 17, ll. 20-22). The logistics decision is based on the input of order processing decision data 19 and logistics data (P. 18, ll. 1-2). The first data management system 11 at the supplier's site may provide logistics data or such logistics data may be provided by a user entering information into a user interface 24 associated with the ordering system 15 (P. 18, ll. 4-6).

The order processing decision data 19 and the logistic decision data 21 is provided as input to a confirmation system 17 (P. 18, ll. 15-16). The confirmation system 17 generates a status message that includes an electronic ordering confirmation 23, a shipping confirmation 25, or both (P. 18, ll. 16-18). The confirmation system 17 sends the status message to the second data

management system 13 at the supplier's site for forwarding to the first data management system 11 at the customer's site via the communications network 22 (P. 18, ll. 18-21).

The first data management system 11, the second data management system 13, or the ordering system 15 includes a user interface 24, such as a graphical user 15 interface 24 (P. 18, ll. 24-26). The user interface 24 is adapted to present one or more of the following: 1) order processing decision data 19, logistics decision data 21, 2) an electronic order confirmation 23, and 3) an electronic shipping confirmation 25 (P. 18, ll. 26-28).

FIG. 6 shows a block diagram of a system for business planning that is similar to the block diagram of FIG. 1, except FIG. 6 replaces the requirement indicating database 12 of FIG. 1 with an inventory-tracking database 42 in a first ERP system 210 (P. 19, ll. 4-7). The inventory-tracking database 42 represents one example of the requirement-indicating database 12 (P. 19, ll. 7-8). The inventory-tracking database 42 includes consumption data 44, inventory data 46, or both (P. 19, ll. 9-10).

The consumption data 44, the inventory data 46, or both may be provided by an automated source 211, which feeds data into the first ERP system 10 (P. 19, ll. 25-26).

FIG. 7 shows a method of business planning which is consistent with the system of FIG. 6. In step S26, the first data processing system 14 obtains inventory-tracking data on a stored supply (e.g., inventory) of a transactional subject (e.g. materials) at a first business entity (P. 20, ll. 2-4).

In step S28, the first data processing system 14 automatically transmits the obtained inventory-tracking data from the first business entity to a second business entity over a communications network 22 (P. 20, ll. 5-7). The first data processing system 14 transmits the extracted inventory-tracking data from the inventory-tracking database 42 (P. 20, ll. 8-9). The extracted inventory-tracking data may include extracted inventory data, extracted consumption data, or both (P. 20, ll. 9-10). The extracted inventory-tracking data is loaded into the first data processing system 14 (P. 20, ll. 12-13). The extracted consumption data 44, the extracted inventory data 46, or both are transmitted over the communications network 22 from the first data processing system 14 to the second data processing system 26 (P. 20, ll. 13-16).

In step S30, the second data processing system 26 automatically feeds the transmitted inventory-tracking data into an electronic processor, such as a second ERP system 34, that is associated with the second business entity (P. 20, ll. 17-20).

In step S32, the second ERP system 34 or the electronic data processor of the second business entity maintains a desired level of the stored supply at the first business entity based on the evaluation of the inventory-tracking data (P. 20, ll. 21-23).

There are no means-plus-function terms or step-plus-function terms in independent claims 1 and 11 and dependent claims 2, 4, 5, 7-10 and 34-37, which are argued separately below in Section VII.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

There are three grounds of rejection presented for review:

- 1) the rejection of claims 1, 3-6, 8, 34 and 35 as being anticipated under 35 U.S.C. § 102(e) in view of Wong;
- 2) the rejection of claims 2, 7, 9-13, 18-22, 36 and 37 for being obvious under 35 U.S.C. § 103(a) in view of Wong and Huang et al.; and
- 3) the rejection of claims 14-17 for being obvious under 35 U.S.C. § 103(a) in view of Wong, Huang et al. and Boris et al.

VII. ARGUMENT

A. 35 U.S.C. § 102

1. Claims 1, 3, 6

Claims 1, 3 and 6 were rejected in the Office Action of November 29, 2005 (hereinafter "the Office Action") under 35 U.S.C. § 102(e) as being anticipated by Wong. Appellants traverse the rejection for several reasons. First, the Office Actions mailed on January 25, 2005 and June 16, 2005 conceded that Wong did not anticipate claims 1, 3 and 6. Now, the Office Action asserts that Wong anticipates claims 1, 3 and 6. This inconsistency is resulting in piecemeal

prosecution which is against the policies of the U.S. Patent Office. MPEP § 707.07(g).

Now, looking at the present rejection it is noted that independent claim 1 recites that the generated business decision “is made solely by an electronic data processing system without the need for manual data entry into or manual data extraction from the electronic data processing system.” In contrast, Wong is directed to a business-to-business web commerce and business automation system that still relies on an individual to make a business decision, such as buying a product, and manually entering that decision into the system (Col. 14, ll. 29-52). Wong clearly desires to have a human decision involved with the generation of a business decision.

The Examiner at page 4 of the Office Action argues that Wong’s system makes a business decision. The Examiner relies on the following passage of Wong as disclosing a system that makes a business decision:

When an order is shipped, a customer invoice is automatically issued, i.e., entered in the computer system. If
(Col. 33, ll. 15-16)

The above passage is silent as to having Wong’s system itself make a business decision. First, the issuance of a customer invoice per se is not a business decision. Second, if the issuance of customer invoice is done automatically, then what business decision is performed by Wong’s system? The answer is no business decision is being made by Wong’s system.

Assuming for arguments sake that the automatic issuance of a customer invoice is a business decision, the issuance of the invoice requires manual data

entry as suggested by the phrase "entered in the computer system" (Col. 33, l. 16). This is contrary to the language of claim 1 which requires no manual data entry. Thus, claim 1 is not anticipated by Wong. This is evident in the discussion below regarding Wong.

Wong explicitly relies on an individual to make a business decision, such as buying a product, and manually entering that decision into the system as evidenced by the passage below:

Once all of the requested information has been provided, the user then chooses from among possible actions, including making changes to the quote, going back to the Products List, submitting the quote to the sale representative, close the quote without saving any changes that the user may have made, or save the quote without submitting it. Note that a particular user, however, may have authority only to obtain quotes but not to submit quotes (place orders), or may have a purchase limit for a single purchase or for a predetermined time period (e.g., weekly, monthly, quarterly). If the user attempts to exceed his authority, the system will display a dialog informing the user that the selected action cannot be taken.

In practice, if a user is allowed to obtain quotes but not submit quotes, the user will obtain and save a quote, note the quote number, and notify a superior having purchasing authority (e.g., via email) of the quote number. The person having purchasing authority may then use the quote number to retrieve and review the quote and submit the quote if it is in order.

When a quote has been submitted, a confirmation screen is displayed thanking the user for the order, displaying the quote number, and confirming that the quote has been submitted as an order (Col. 14, ll. 29-52) (emphasis supplied).

The above excerpts of Wong cannot be ignored. They recite that a user (a person not a computer system) makes a choice between various actions

involving a quote. In addition, “[t]he person having purchasing authority” makes the decision whether to submit a quote as an order. Clearly, one or more persons are involved in generating/making business decisions in Wong’s system/method.

For the above reasons, the rejection of claim 1 is improper and should be withdrawn. Claims 3 and 6 each depend directly on claim 1 and so their rejections should be withdrawn for the same reasons stated above with respect to claim 1.

On a related matter, it is noted that the Office Action has relied on various passages in the claims of Wong to show that Wong describes various elements of claim 1. However, a review of the passages shows that they do not disclose what is being asserted in the Office Action. For example, the Office Action asserts at page 3 that claim 1’s recitation “automatically transmitting the obtained requirement-indicating data from a first business entity to a second business entity over a communications network” is fully disclosed at column 5, lines 56-63 and column 12, lines 5-12 of Wong. However, the passages state:

independent, human-dependent business processes. Business processes have typically been organized into separate business domains, chiefly including a products domain (e.g., engineering, manufacturing, purchasing, shipping, receiving, returns), a payments domain (e.g., accounts receivable, accounts payable), a financial performance domain (e.g., general ledger, financial statements, tax returns) and a personnel domain (e.g., employee evaluation).

* * *

for correction. If input qualification is successful, then succeeding events in the sequential business process are triggered.

Each worker in turn builds upon the information base established by preceding workers, and each workers entries are rigorously qualified. For example, following sales, process flow may continue to Sales Support, Accounting, Purchasing, Receiving, Assembly, and Shipping.
(Col. 5, ll. 56-63 and Col. 12, ll. 5-12)

The passages do not mention “requirement-indicating data” and “a communications network.”

2. Claim 4

Claim 4 was rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by Wong. Appellants traverse the rejection for several reasons. First, claim 4 depends directly on claim 1 and so its rejection should be withdrawn for the same reasons stated above in Section VII.A.1 with respect to claim 1.

The rejection is improper for the additional reason that Wong does not disclose nor suggest generating an order that “is made solely by an electronic data processing system without the need for manual data entry into or manual data extraction from the electronic data processing system.” The Office Action relies on claim 67 of Wong as disclosing the recited “generating an order.” However, claim 67 recites “preparing records of ordered items so that the ordered items can be received” (Col. 48, ll. 63-65). The claim is silent as to generating an order solely by an electronic data processing system without the need for manual data entry or manual data extraction in the manner recited in the claim. Accordingly, the rejection is improper and should be withdrawn.

3. Claim 5

Claim 5 was rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by Wong. Appellants traverse the rejection for several reasons. First, claim 5 depends directly on claim 1 and so its rejection should be withdrawn for the same reasons stated above in Section VII.A.1 with respect to claim 1.

The rejection is improper for the additional reason that Wong does not disclose nor suggest generating a shipping instruction that “is made solely by an electronic data processing system without the need for manual data entry into or manual data extraction from the electronic data processing system” as recited in claim 5. The Office Action relies on an excerpt of claim 69 of Wong as disclosing the recited “generating a shipping instruction.” However, the excerpt merely recites “preparing records of installed items for shipping.” Claim 69 is silent as to generating a shipping instruction or generating a shipping instruction solely by an electronic data processing system without the need for manual data entry or manual data extraction in the manner recited in the claim. Accordingly, the rejection is improper and should be withdrawn.

4. Claim 8

Claim 8 was rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by Wong. Appellants traverse the rejection for several reasons. First, claim 8 depends directly on claim 1 and so its rejection should be withdrawn for the same reasons stated above in Section VII.A.1 with respect to claim 1.

The rejection is improper for the additional reason that Wong does not disclose nor suggest transmitting superseding requirement-indicating data on an as-needed basis as recited in claim 8. The Office Action has relied on the following passages of Wong as disclosing such transmitting:

independent, human-dependent business processes. Business processes have typically been organized into separate business domains, chiefly including a products domain (e.g., engineering, manufacturing, purchasing, shipping, receiving, returns), a payments domain (e.g., accounts receivable, accounts payable), a financial performance domain (e.g., general ledger, financial statements, tax returns) and a personnel domain (e.g., employee evaluation).

* * *

for correction. If input qualification is successful, then succeeding events in the sequential business process are triggered.

Each worker in turn builds upon the information base established by preceding workers, and each workers entries are rigorously qualified. For example, following sales, process flow may continue to Sales Support, Accounting, Purchasing, Receiving, Assembly, and Shipping.
(Col. 5, ll. 56-63 and Col. 12, ll. 5-12)

Despite the Office Action's assertions to the contrary, the passages do not disclose transmitting superseding requirement on an as-needed basis. Accordingly, the rejection is improper and should be withdrawn.

5. Claims 34 and 35

Claims 34 and 35 were rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by Wong. Appellants traverse the rejection for several reasons. First, claims 34 and 35 depend directly or indirectly on claim 1

and so their rejections should be withdrawn for the same reasons stated above in Section VII.A.1 with respect to claim 1.

The rejection is improper for the additional reason that Wong does not disclose nor suggest generating an order processing decision that “is made solely by an electronic data processing system without the need for manual data entry into or manual data extraction from the electronic data processing system.” The Office Action relies on a passage in the Summary of the Invention section of Wong as disclosing the recited generating an order processing decision. The passage is given below:

Based on the quote, a user with appropriate Web-verifiable authority may place an order on behalf of a company in accordance with a pre-existing agreement with the company. An employee of the seller, using the same DBMS, purchases product to fill the order. When the product is received, information regarding receipt of the product is entered into the DBMS. Orders are assembled, shipped and billed, all using the same DBMS. Customers can retrieve previous quote records and view order and shipment status via the Web. Customer invoices are automatically generated upon shipment. When a customer payment is received, details concerning the payment are entered into the DBMS. Vendor invoices and payments are also handled using the DBMS, and both customers and vendors can view payment status-- invoice, credit (from returns), etc.--via the Web, allowing paper invoice copies to be dispensed with if desired. Returns (Col. 4, ll. 30-45) (emphasis supplied).

The above passage does not disclose nor suggest a processing decision that “is made solely by an electronic data processing system” in the manner recited in claim 34. Indeed, the passage discloses a user, not a system, placing an order

(Col. 4, ll. 30-32) and an employee, not a system, purchasing product (Col. 4, ll. 33-34). Accordingly, the rejection is improper and should be withdrawn.

Claim 35 depends directly on claim 34 and so its rejection should be withdrawn for the same reasons stated above with respect to claim 34.

B. 35 U.S.C. § 103

1. Wong and Huang et al.

a. Claims 2, 36 and 37

Claims 2, 36 and 37 were rejected in the Office Action under 35 U.S.C. § 103 as being obvious in view of Wong and Huang et al. Appellants traverse the rejection. In particular, claims 2, 36 and 37 depend directly or indirectly on claim 1. As pointed out above in Section VII.A.1, Wong does not disclose generating a business decision that “is made solely by an electronic data processing system without the need for manual data entry into or manual data extraction from the electronic data processing system.” Since Huang et al. does not suggest altering Wong’s system so that the generated business decision “is made solely by an electronic data processing system” in the manner recited in claim 1, the rejection is improper and should be withdrawn.

b. Claim 7

Claim 7 was rejected in the Office Action under 35 U.S.C. § 103 as being obvious in view of Wong and Huang et al. Appellants traverse the rejection for several reasons. In particular, claim 7 depends directly on claim 1. As pointed out above in Section VII.A.1, Wong does not disclose generating a business decision “is made solely by an electronic data processing system without the

need for manual data entry into or manual data extraction from the electronic data processing system.” Since Huang et al. does not suggest altering Wong’s system so that the generated business decision “is made solely by an electronic data processing system” in the manner recited in claim 1, the rejection is improper and should be withdrawn.

The rejection of claim 7 is traversed because neither Wong nor Huang et al. discloses extracting a subset of the requirement-indicating data from a requirement-indicating database associated with an enterprise resource planning system. The Office Action relies on the passages at column 10, lines 45, 46, 49 and 50 of Huang et al. as disclosing the claimed extracting. However, the passages do no disclose extracting in any way as shown below:

In the DSS Database 12 for these chains is as follows: Aggregate Production Plan Data:
Aggregate Production Plan

Requirement Data; Component Requirement Header; Component Supplier; Component Supply Contract; Component (Col. 10, ll 45-46 and 49-50).

Since all of the passages relied on by the Office Action do not disclose nor suggest extracting a subset of requirement-indicating data from a requirement-indicating database as recited in claim 7, the rejection is improper and should be withdrawn.

c. Claim 9

Claim 9 was rejected in the Office Action under 35 U.S.C. § 103 as being obvious in view of Wong and Huang et al. Appellants traverse the rejection for several reasons. In particular, claim 9 depends directly on claim 1. As pointed

out above in Section VII.A.1, Wong does not disclose generating a business decision that “is made solely by an electronic data processing system without the need for manual data entry into or manual data extraction from the electronic data processing system.” Since Huang et al. does not suggest altering Wong’s system so that the generated business decision “is made solely by an electronic data processing system” in the manner recited in claim 1, the rejection is improper and should be withdrawn.

The rejection of claim 9 is traversed because neither Wong nor Huang et al. discloses transmitting differential data for expressing a change with respect to prior requirement indicating data. The Office Action asserts that Huang et al. discloses using differential values to express change with respect to a normal distribution. However, the passage relied on by the Office Action at Col. 83, l. 64 – Col. 85, l. 25 refers to obtaining an approximation of a standard normal distribution using continuous piece-wise linear approximations (Col. 83, ll. 62-67). There is no mention of transmitting differential data for expressing change with respect to prior requirement indicating data. Accordingly, the rejection is improper and should be withdrawn.

d. Claim 10

Claim 10 was rejected in the Office Action under 35 U.S.C. § 103 as being obvious in view of Wong and Huang et al. Appellants traverse the rejection for several reasons. In particular, claim 10 depends directly on claim 1. As pointed out above in Section VII.A.1 Wong does not disclose generating a business decision that “is made solely by an electronic data processing system without the

need for manual data entry into or manual data extraction from the electronic data processing system.” Since Huang et al. does not suggest altering Wong’s system so that the generated business decision “is made solely by an electronic data processing system” in the manner recited in claim 1, the rejection is improper and should be withdrawn.

The rejection of claim 10 is also traversed because neither Wong nor Huang et al. discloses generating a business decision on production of the transactional subject at a regular interval that has a duration that depends on the business of the two entities. The Office Action has cited four passages in Huang et al. as disclosing the recited generating process. However, not one passage mentions any interval for generating a business decision or any duration of an interval. Accordingly, the rejection is improper and should be withdrawn.

e. Claims 11-13 and 18-22

Claims 11-13 and 18-22 were rejected in the Office Action under 35 U.S.C. § 103 as being obvious in view of Wong and Huang et al. Appellants traverse the rejection. In particular, independent claim 11 recites that the generated business decision based on demand-indicating data “is made solely by an electronic data processing system without the need for manual data entry into or manual data extraction from the electronic data processing system.” As mentioned above in Section VII.A.1, Wong is directed to business-to-business web commerce and business automation system that still relies on an individual to make a business decision, such as buying a product, and manually entering that decision into the system (Col. 14, ll. 29-52). Since Huang et al. does not

suggest altering Wong's process/structure so that Wong generates a business decision based on demand-indicating data and made solely by an electronic data processing system as defined in claim 11, the rejection is improper and should be withdrawn.

Claims 12, 13 and 18-22 depend directly or indirectly on claim 11 and so their rejections should be withdrawn for the same reasons stated above with respect to claim 11.

2. Wong, Huang et al. and Boris et al.⁵

a. Claims 14-16

Claims 14-16 were rejected in the Office Action under 35 U.S.C. § 103 as being obvious in view of Wong, Huang et al. and Boris et al. Appellants traverse the rejection for several reasons. First, Boris et al. is directed to nonanalogous art. The test for nonanalogous art is as follows:

The determination that a reference is from nonanalogous art is therefore two-fold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved. In re Deminski, 796 F.2d 436, 230 U.S.P.Q. 313 (Fed. Cir. 1986) citing In re Wood, 559 F.2d 1032, 1036, 202 U.S.P.Q. 171, 174 (C.C.P.A. 1979).

Upon applying the first prong of the test, one sees that Boris et al. is not within the Appellants' field of endeavor. Appellants' claimed invention is in the field of managing the supply of a transactional subject, such as a material, a good, a product or a commodity (Appellants' Specification - Page 1, lines 4-9). In

⁵ See footnote 3.

contrast, Boris et al. discloses a computerized data capture system that does not in any way involve managing the supply of a transactional subject. Boris et al.'s computerized data capture system "electronically organizes all the components of a data capture and distribution project for design analysis, manipulation, simulation, visualization, integration, decomposition, storage, retrieval and reporting" (Col. 11, ll. 9-21). Thus, Boris et al. is not within Appellants' field of endeavor – managing the supply of a transactional subject.

Besides not being within the Appellants' field of endeavor, Boris et al. is not reasonably pertinent to the particular problem with which the Appellants were involved. As stated on pages 1 and 2 of Appellants' Specification, the problems of 1) manual acts carried out by a supplier (Page 1, lines 22-24 and Page 2, line 29 – Page 3, line 7), 2) discretionary decisions made by the supplier (Page 1, lines 24-26), and 3) outdated supplier information (page 2, lines 3-13) are the concern of Appellants' claimed invention. It is clear that Boris et al. does not address Appellants' problems. Instead, Boris et al. regards the problems that result from numerous human interactions used in typical data capture and data distribution systems (Col. 1, l. 47 – Col. 2, l. 28).

Assuming for arguments sake that Boris et al. is deemed analogous art, it is respectfully submitted that the combination of Wong, Huang et al. and Boris et al. under 35 U.S.C. § 103 is improper. In particular, claim 14 depends indirectly on claim 11. As pointed out above in Section VII.B.1.e, Huang et al. does not suggest altering Wong's system so that the generated business decision "is made solely by an electronic data processing system" in the manner recited in

claim 11. Since Boris et al. does not suggest altering Wong's system so that the generated business decision "is made solely by an electronic data processing system" in the manner recited in claim 11, the rejection is improper and should be withdrawn.

Claims 15 and 16 each depend directly or indirectly on claim 14 and so their rejections should be withdrawn for the same reasons stated above with respect to claim 14.

b. Claim 17

Claim 17 was rejected in the Office Action under 35 U.S.C. § 103 as being obvious in view of Wong, Huang et al. and Boris et al. Appellants traverse the rejection for several reasons. First, as pointed out above in Section VII.B.2., Boris et al. is directed to non-analogous art.

Assuming for arguments sake that Boris et al. is analogous art, the rejection is still improper. In particular, claim 17 depends indirectly on claim 11. As pointed out above in Section VII.B.1.e, Huang et al. does not suggest altering Wong's system so that the generated business decision "is made solely by an electronic data processing system" in the manner recited in claim 11. Since Boris et al. does not suggest altering Wong's system so that the generated business decision "is made solely by an electronic data processing system" in the manner recited in claim 11, the rejection is improper and should be withdrawn.

For the reasons give above, Appellants respectfully submit that the

rejections should be withdrawn and the claims should be allowed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Freeman", is written over a horizontal line.

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VIII. CLAIMS APPENDIX

1. A method for planning a business decision, the method comprising the steps of:

obtaining requirement-indicating data of a first entity with respect to a transactional subject;

automatically transmitting the obtained requirement-indicating data from a first business entity to a second business entity over a communications network;

automatically feeding the transmitted requirement-indicating data into an electronic processor for monitoring the transactional subject, the electronic processor being associated with an electronic processing system of the second business entity; and

generating a business decision of the first business entity and the second business entity that is based on the requirement-indicating data and that is made solely by the electronic processing system without the need for manual data entry into or manual data extraction from the electronic processing system.

2. The method according to claim 1 wherein the obtaining step comprises obtaining demand-indicating data, the demand-indicating data including at least one of demand data and forecast data on the transactional subject.

3. The method according to claim 1 wherein the obtaining step comprises obtaining inventory-tracking data, the inventory-tracking data including at least one of consumption data and inventory data.

4. The method according to claim 1 wherein the generating step comprises generating an order as the business decision, the order being for the transactional subject based on the requirement-indicating data.

5. The method according to claim 1 wherein the generating step comprises generating a shipping instruction as the business decision, the shipping instruction being for the transactional subject based on the requirement indicating data.

6. The method according to claim 1 wherein the feeding step comprises feeding the transmitted requirement-indicating data into an enterprise resource planning system as the electronic processor.

7. The method according to claim 1 wherein the obtaining step comprises extracting a subset of the requirement-indicating data from a requirement-indicating database associated with an enterprise resource planning system.

8. The method according to claim 1 wherein the transmitting step comprises transmitting superseding requirement-indicating data on an as-needed basis to replace prior requirement-indicating data at the second business entity.

9. The method according to claim 1 wherein the transmitting step comprises transmitting differential data for expressing a change with respect to prior requirement indicating data at the second business entity.

10. The method according to claim 1 wherein the generating step comprises generating the business decision on production of the transactional subject based on an exchange of the requirement-indicating data at a regular interval, the regular interval having a duration that depends upon a nature of the business of the first business entity and the second business entity.

11. A method for planning a business decision, the method comprising the steps of:

obtaining demand-indicating data with respect to a transactional subject;

automatically transmitting the obtained demand-indicating data from a first business entity to a second business entity over a communications network;

automatically feeding the transmitted demand-indicating data into an electronic processor for tracking the demand-indicating data, the electronic

processor being associated with an electronic processing system of the second business entity; and

generating a business decision of at least one of the first business entity and the second business entity that is based on the demand-indicating data and that is made solely by the electronic processing system without the need for manual data entry into or manual data extraction from the electronic data processing system.

12. The method according to claim 11 wherein the obtaining step comprises accessing the demand-indicating data in a database associated with an enterprise planning resource system.

13. The method according to claim 12 wherein the obtaining step comprises updating demand-indicating data in the database on a daily basis after an end of a business day and prior to a beginning of a next successive business day.

14. The method according to claim 12 further comprising the steps of
extracting a relevant portion of the demand-indicating data from the database; and

formatting the extracted relevant portion of the demand-indicating data into an extensible mark-up language document.

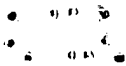
15. The method according to claim 14 wherein the transmitting step comprises transmitting the extensible mark-up language document as the demand indicating data over the communications network.

16. The method according to claim 15 further comprising the steps of receiving the transmitted extensible mark-up language document; and translating the extensible mark-up language document into a data format compatible with an enterprise planning resource system.

17. The method according to claim 12 wherein the transmitting step transmits the demand-indicating data in the database on a daily basis after an end of a business day and prior to a beginning of a next successive business day.

18. The method according to claim 11 further comprising the step of displaying the demand-indicating data for a user affiliated with one of the first business entity and the second business entity.

19. The method according to claim 11 wherein the business decision comprises deciding to change the manufactured quantity of a material as the transactional subject.



20. The method according to claim 11 wherein the business decision comprises deciding to change a supply of material to fulfill a firm demand derived from the demand-indicating data.

21. The method according to claim 11 wherein the obtaining step includes obtaining one of demand data and forecast data with respect to the transactional subject.

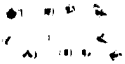
22. The method according to claim 11 wherein the first business entity represents a customer of a material as the transactional subject and wherein the second business entity represents a supplier of the material.

34. The method according to claim 1 wherein the business decision comprises an order processing decision.

35. The method according to claim 34 wherein the order processing decision comprises procuring a production material for either said first business entity or said second business entity.

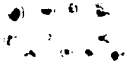
36. The method according to claim 1 wherein the business decision comprises engaging in a commercial transaction involving the transactional subject.

37. The method according to claim 36 wherein the commercial transaction comprises purchase of the transactional subject.



IX. **EVIDENCE APPENDIX**

None.



X. **RELATED PROCEEDINGS APPENDIX**

None.